IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3078 OF 2003

Shri Sanjeev R. Pandit,
legal heir of Late Shri
Rajendrakukar R. Pandit. .. .. Petitioner

v/s.

The Commissioner of Income Tax
Mumbai XVI, & ors. .. .. Respondents

W I T H

WRIT PETITION NO.3079 OF 2003

Smt.Kumudini P. Saptarishi,
Mumbai. .. .. Petitioner

v/s.

The Commissioner of Income Tax
Mumbai XVI & ors. .. Respondents

Mr.S.N. Inamdar with Mr.Pramod Vaidya for petitioners.

Mr.Ashok Kotangale for respondents.
(In both matters)

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 21st November 2005

P.C. :

1. Heard Mr.Inamdar in support of both the above Petitions. Mr.Kotangale appears for the respondents.

2. Under Section 5(vi) of the Wealth Tax Act, 1957, a property owner is permitted to seek exemption of one house from the assessment of

their wealth. Both the petitioners herein opted for one house during the Assessment year 1997-98. The option given by both of them was accepted and the assessment was finalised accordingly. Much later they applied that the option be changed and another house be exempted instead of the one for which the order was passed earlier. The application was rejected by the impugned order passed on 28th of March 2002. Both the Petitions have been filed on 21st January 2003 and have not been moved practically for two years thereafter. We do not see any reason to interfere inasmuch as the option initially given has been accepted and the application for the change and the Petitions thereafter are also belatedly filed.

3. Both the Petitions are rejected.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)